

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1794

SPONSOR: Criminal Justice Committee and Senator McKay

SUBJECT: Florida Statutes

DATE: March 20, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

This bill repeals five sections of the Florida Statutes on Corrections and the Parole and Probation Commission that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

This bill does not have a fiscal impact on state or local governments.

This bill substantially amends, or repeals the following sections of the Florida Statutes: 775.13 (4); 943.325 (10)(c); 944.1053; 945.215 (1)(a); and 947.03 (1).

## II. Present Situation:

Sections 775.13 (4), 944.1053, 945.215 (1)(a)5, 947.03 (1), F.S., contain information no longer needed within the Florida Statutes; s. 943.325 (10)(c), F.S., and s. 945.215 (1)(a)6, F.S., contain references which will change as a result of the repeals.

During the 1999-2000 legislative session interim, staff of the House of Representatives reviewed each chapter of the five volumes of the Florida Statutes to find provisions which were outdated or obsolete. Upon completion of the first draft, staff of Senate counterpart committees reviewed the work product to further refine the sections identified. The final list of some one thousand original sections of Florida law contained an identification of statutory sections which shared one or more of the following characteristics:

1. A reference to a dormant board, council or other non-governing authority;
2. A provision rendered obsolete due to the passage of time;
3. A requirement which was nonrecurring due to the completion of the activity;
4. A statement of legislative intent, findings or purpose so generalized as to provide no specific interpretive guidance on the context or particularity of the statute or its application;
5. A cross-reference to another section which was otherwise repealed;

6. The use of boilerplate language, such as a severability clause, which is assumed as part of legislative style and drafting or of judicial interpretation;
7. The creation of a short title, or popular name, unrelated to the purpose of the statute;
8. The use of archaic language or descriptions; and
9. A redundancy in text or reference no longer needed.

### **III. Effect of Proposed Changes:**

Section 1. Section 775.13 (4), F.S., required the registration of convicted felons residing in counties within this state on October 1, 1997, no later than December 1, 1997. This registration provision has become obsolete.

Section 2. Renumbers a reference in paragraph (c) of subsection (10) of s. 943.325, F.S., from s. 775.13(6) to s. 775.13 (5), F.S., as a result of the change made in section 1.

Section 3. Section 944.1053, F.S., provided for continuation of operation and maintenance agreements for correctional facilities and county detention facilities in operation as of July 1, 1986. The Department of Corrections indicates that all such contracts have ended and that the provisions of Chapter 86-183, L.O.F., now apply in all cases.

Section 4. Deletes s. 945.215 (1)(a)5, F.S., which required a one-time repayment to the Inmate Welfare Trust Fund of \$500,000, which repayment has occurred. As a result of the deletion of 5, 6 and 7 have been renumbered.

Section 5. Strikes certain language in s. 947.03, F.S., governing individuals who were parole commissioners on July 1, 1983 and conforms additional language.

Section 6. Provides that the bill will become effective upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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